

19-637

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In The  
SUPREME COURT OF THE UNITED STATES

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Emma Serna d/b/a  
Serna & Associates Construction Co., LLC  
Petitioner,  
v.

Margette Webster, et al.,  
Respondents

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On Petition For Writ Of Certiorari  
To The United States Court of Appeals  
For The Federal Circuit

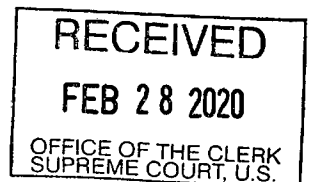
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PETITION FOR REHEARING

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Emma Serna d/b/a  
Serna & Associates Construction  
Co., LLC, Pro Se  
P.O. Box 65384  
Albuquerque, NM 87193  
(505)321-1661

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**LIST OF PART MEMBERS**

Margette Webster, David Webster,

State of New Mexico, U.S. Judicial Second District Court;

Carl Butkus; Cindy Molina; Alan Malott; Beatrice Brickhouse;

Bobby Jo Walker; Nan Nash; James A. Noel; Joey Moya;

Amy Mayer; Madeline Garcia; Arthur Pepin; Monica Zamora;

Cheryl Ortega; New Mexico Construction Industries;

Pat McMurray; Martha Murillo; Sally Galanter;

Robert "Mike" Unthank; Martin Romero; Amanda Roybal;

Clayton Crowley; Alex Chisholm; Calvin A. Calvert; and John Wells.

Defendants/Respondents

# TABLE OF CONTENTS

	Page
LIST OF PARTY MEMBERS.....	i
TABLE OF AUTHORITIES.....	ii
STATUTES.....	iii
STATEMENT OF THE CASE.....	6
GROUNDS FOR REHEARING..... THIS COURT SHOULD GRANT REHEARING TO ALERT THE PUBLIC THAT WE STILL LIVE IN A COUNTY OF DEMOCRACY.	2
A. To Clarify That The Arbitration Award Is Null and Void, and Hearings Would Be Inconsequential.	
B. State Courts Continue to Drift Further From the Civil and Constitutional Rights of an Individual	
CERTIFICATE OF SERVICE	

## AUTHORITIES

1. Wells v. County of Valencia, Page 1, 2, 6  
1982 NMSC-048, 98 N.M. 3,  
644 P.2d 517, N.M. Tort Claims  
Act 1983 action.
2. Bonnie Braes Farms, Inc. v. Robinson 5, 6  
598 S.W.2d 765 (1980)  
Wrongful filing of lis pendens  
Court of Appeals of Kentucky.
3. Beasley v. Wells Fargo Bank, N.A. 1, 6  
2018 WL 3478882 (6<sup>th</sup> Cir July, 2018).  
Wrongful foreclosure
4. Selby v. Taylor 5, 6  
No. 812SC380 May, 1982, 290 S.E.2d  
767. Slander of title.
5. La Jolla Group II v. Bruce (2012) 6  
California 4<sup>th</sup> Circuit, 461, 476 [149 3d  
716 Defamation, Preventing a sale and  
vendibility.
6. Glass v. Gulf Oil Corp. (1970) 12 Cal. App. 5, 6  
3d 412, 424. Loss of market value and  
disparagement property might have found  
a buyer.
7. Cross v. Wells Fargo, case no. CV-2011- 5  
00447 AHM. Unjustified & without  
privilege the foreclosure was published.

8. Shimpone v. Stickney Page 1, 5

Docket No. L.A. 12822

Supreme Court of California

En Banc (1934)

Quiet Title on properties and  
for damages, fraud.

9. Twombly, 550 U.S. at 555 1, 4, 5

Grounds for entitlement for relief.

Factual allegations must be enough  
to raise a right for relief.

10. Iqbal citing 129 S. Ct. (1949) 4, 5

Slander of title, intentional invasion  
of property interest and willful  
misrepresentations.

11. Feoron v. Fodera, Supreme Court of 5, 6

California, Case S.F. No. 6798 Feb., 1915.

Relief was granted alone on Slander of  
Title. Quiet title.

12. Alpha v. Omega Development, LP, 4

supra 200 Cal. App. 4<sup>th</sup> Circuit at p. 664.

Published untrue statements, invasion  
of the interest in the vendibility of property.

13. M.F. Farming Co., v. Couch 5

Distributing Co. (2012 Cal. App.

4<sup>th</sup> Circuit 180, 198-199

[143 Cal. Rptr. 3d 160]. An actual  
deal was hampered by the disparaging  
statement & Lis Pendens.

14. Foster v. Butler, Docket no. L.A. Page 4,5  
2929 Citation codes 164 Cal. 623,  
130 P.6 March, 1901. Quiet title.
15. Howard v. Schaniel, (1980) 4, 5  
113 Cal. App. 3d 256, 263-264. Causes  
direct an immediate pecuniary loss.  
Publication without privilege or  
justification without regard to its  
truthfulness.
16. Cyr v. McGovran, 2012, 4, 5  
206 Cal. App., 4<sup>th</sup> district, 645, 651.  
Slander of title.
17. Alpha & Omega Development, LP v. 4, 5  
Whitlock Contracting, Inc. (2011)  
200 Cal. Court of appeals 4<sup>th</sup> district  
656, 661. Slander of title, clouds title  
of property, filing of lis pendens.
18. Albertson c. Rabaff, (1956) 46 Cal. 2.d 4, 5  
375, 378-379 [295 P.2d 405].  
Slander of title.
19. Gudger v. Manton, (1943) 21 Cal. 2.d 3, 5  
537, 543-544, [134 P.2d 217]  
Absent of privilege.

4

20. Wells v. County of Valencia, (1983) P. 4  
NMSC-048,98 NM 3, 644 P.2d, 517
21. Superior Construction, Inc. v. 4  
Linnerooth  
103 N.M. 716, 712 P.2d 1378 (1986)  
Wrongful filing, lis pendens,  
Slander of title, malice
22. Romero v. Otero, 678 F. Supp 2, 4, 5  
1535 (D,N.M. 1987).  
Emotional distress, damages.
23. Lujan v. N.M. Dep't of Transp.  
2015-NMCA-005, cert. denied.  
Negligence.

IN THE SUPREME COURT OF THE  
UNITED STATES

STATUTES

	Page
1. Tort Claims, 41-4-1 through 41-4-27 NMSA 1978 The Tort Claims Act.	1, 2
2. Federal Civil Rights Act 42 U.S.C. 1983	1, 3
3. 2006 N.M. Statute Section 48-1A-5	3
4. 2011 N.M. Statute Section 41-7-1 through 41-7-6 Defamation, Torts Article 7	2
5. Chapter 13 Slander of Title	2
6. Federal Statute 671, Ch. 392, 61, July 30 1947.	1
7. 2006 N.M. Statute Section 16[44-7A-16, 1978].	1

ATTORNEY PROFESSIONAL  
CONDUCT CODE

1. NMRA- 16-804	3
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IN THE SUPREME COURT OF THE  
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STATEMENT OF THE CASE

This case presents an important factor, that in arbitration the rules and procedures are different than in everyday judgments. In arbitration rules, 9 U.S. Code 4 Failure to arbitrate under the contract agreement. A party aggrieved by alleged failure, neglect or refusal of another to arbitrate under a written agreement may petition any United States District Court which, save for such agreement, would have jurisdiction shall proceed according to the terms of the contract, and this is was set forth on July 30. 1947, Ch. 392, 61 Statue 671. The Petitioner therefore had to bring this matter to federal court. The Respondent, according to 2006 New Mexico Statutes Section 16[44-7A-16, 1978](6)(b) and award has ninety days for modifications or corrections from the date it was procured.

In the early part of May, in 2015, the Serna property was transferred into the Mike R. Serna Irrevocable Trust. After having been in a lawsuit, since 2007, the court had scheduled a second arbitration, which did not conform with the contract.

The arbitrator issued an award, to a Margaret Webster, a non-party member, and a person that does not exist, and against an Emma Serna d/b/a Serna & Associates, LLC. A company that the petitioner does not own or is registered in New Mexico.

The arbitration took place on May 23, 2015, and Responder Margette Webster never made the changes or modifications to the award. Margette Webster has been exceeding the jurisdiction of the court with this void award, and the award has no validity. In *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608, South Carolina. The jurisdiction of a void judgment had no validity, and in *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565, the Supreme Court. The void award needs and order that declares the award void, and this void award can be attacked at any time, and district courts abused their discretion by not vacating the award as being prospectively inequitable. *Id* at 722.

In 2015-NMCA-005, cert. denied, 2014-NMCERT-010, *Lujan v. N.M. Dep't of Transp.* The negligence action under this act requires that there be a duty owed from the defendant to the plaintiff, that based on a standard of reasonable care under the circumstances, the defendants breached that duty, and that the breach was a cause in fact, and proximate cause of the plaintiff's damages.

An actual deal was hampered by the disparaging statements and the Lis Pendens, in the 2012 case held in the California Supreme Court, as was the sale hampered for the Serna Irrevocable Trust, for one of the beneficiaries. Resulted in loss of sale. In tort actual malice had to happen unfounded claim of an interest which throws doubt upon its ownership.

Defamation was brought on by Margette and David Webster publishing a false statement to the interest of another is subject to liability to pecuniary loss. They knew that the statement is false or acts reckless and disregards its truth or falsity, causes direct and immediate pecuniary loss. The Responders never proved that the alleged defamatory statements were never made with malice,

The lien and lis pendens were filed in the Bernalillo County Clerk's Office, and letters from mortgage companies were received that Margette had planned a foreclosure, on October 21, 2019, unless Serna refinanced the home's mortgage.

Warrantless search & seize of the premises violated the Fourth Amendment. The Tenth Circuit Court of Appeals states, the deputies were not entitled to immunity given by the Fourth Amendment gives Serna the right to be free and right to be free in one's home from unreasonable searches and arrests, and from Webster's false request.

The federal civil rights Act of 42 U.S.C. 1983 gives a Plaintiff the right to bring an action, for damages, under that act against a government entity or public employee,

Documents were published and they were unjustified and without privilege, and Responders do not have a right to foreclose on the subject property without a valid judgment, and an award that is Void, and to a person that is not a party member to the cases, and to the Responder that is committing identity theft.

McDonald v. Mabey, Docket no. 135, Supreme Court of the United States, citation 243 U.S. 90, 375, Ct 343, 61 L, Validity of Judgment. A Void judgment does not create any binding obligation. Kalb v. Feuerstein (1940) 308 US 433, 60 S Ct. 343, 84 L ed 370. An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.

The Petitioner had and has a right to possession, at the time of filing the complaint the property of the Irrevocable Trust property, and this is essential under the Statutory law of New Mexico.

State district court's order to the deputies was not valid, but they acted on it, and the Petitioner was harmed by their acts. 2006 New Mexico Statutes Section 48-1A-5 Noni-enforceability of nonconsensual common law liens.

IN THE SUPREME COURT OF THE  
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GROUND FOR REHEARING

Petition for rehearing of an order denying Certiorari are granted only:

(1) If a petition can show grounds of intervening circumstances of a substantial or controlling effects. The Petitioner has proven that the Responders have indeed crossed the threshold of requirements of negligence actions. A duty from the Respondents was owed to the Petitioner, and it was based on a standard of reasonable care under the circumstances, the Respondents breached that duty, and the breach was Claims Act for emotional distress and damages and should be the main factor in this petition for grounds for intervening circumstances of a substantial or controlling effect, and the injury needs to be redressed, and The limited waiver of sovereign immunity should not abate or bar this claim, but should retain its vitality pursuant to the laws of the Constitution, Amendment One and Fourteenth.

The petition for rehearing under Rule 44 specifies that the conditions for rehearing shall consist of grounds limited to intervening grounds. The violation of Statute 42 U.S.C. 1983 is the main force in this petition. The Petitioner's rights were secured by "Section 1983", and the state court keeps depriving the Petitioner of these rights.

The intervening of rights has harmed the Petitioner, and the state and federal constitutional rights have been ignored, and set aside without justification, and injustice has been instilled.

The construction and application of the Federal Tort Act, claims arising out of interference with contract rights (28 USCS 2680 (h) 92 ALR Fed 1686 where the court discarded the contract agreement. The Tort Act was created so the government could be sued for tort liability.

Board of Cnty. Comm'rs v. Risk Mgmt. Div. 1995 NMSC-046, 120 N.M. 178, 899 P.2d 1132.

Petitioner's Irrevocable Trust now has a cloud on the title of all its property. Responder shows malice and a state of mind arising from hatred or ill will, evidencing a willingness to vex, annoy or injure the Petitioner.

The Respondents, Margette and David Webster published, without privilege or justification that they had an award or judgment which was and is false which caused direct and immediate pecuniary loss.

Respondents published untrue statements, and disparaging , with respect to the property, they state, "(that the two Websters own the property that the Serna Irrevocable Trust owns, and would someone be interested in purchasing the property from them. It is an invasion of the interest in the vendibility of the property, and complete fraud.

An actual deal was hampered by the disparaging statement and the Lis Pendens that was filed by Respondent's Margette and David Webster on the Serna Irrevocable Trust for one of the beneficiaries, which resulted in loss of sale. In tort law, actual malice had to happen unfounded to claim of an interest which throws doubt upon its ownership.

Defamation was brought on by Margette and David Webster publishing a false statement to the interest of another is subject to liability to pecuniary loss. They knew that the statement was false and/or acts reckless, and disregards its truth or falsity. Causes direct and immediate pecuniary loss. The Responders never proved that the alleged defamatory statements were never made with malice.

The federal civil rights Act of 42 U.S.C. 1983 gives a plaintiff the right to bring an action, for damages, under that act against a government entity or public employee.

Documents were published and they were unjustified and without privilege, and Responders do not have a right to foreclose on the subject property without a valid legal judgment, and an award that is Void, and to a person that is not a party member to the cases, and to the Responder that is committing identity theft.